

REMARKS

Claims 1-84 are now pending in the application. Claims 1-19, 23-42 and 46-84 are amended herein. Minor amendments have been made to the claims to simply overcome the objections and rejections of the claims under 35 U.S.C. § 101 and 35 U.S.C. § 112. Support for the amendments can be found throughout the written description, claims, and drawings as originally filed. The amendments do not raise new issues or introduce new matter. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

INTERVIEW SUMMARY

Applicants would like to thank the Examiner for courtesy extended during the in-person Interview on August 13, 2009. Applicant's representative Jeffrey Chapp and Examiner Hicham Foud participated in the Interview. No exhibit or demonstration was conducted. The claims mentioned below were generally discussed. During the Interview, the Examiner agreed that the 35 U.S.C. § 101 and 35 U.S.C. § 112, first paragraph rejections are overcome by the proposed claim amendments as provided herein. The Examiner also agreed that the 35 U.S.C. § 112, second paragraph rejection stated in paragraph 3, on page 3, of the Office Action is also overcome.

CLAIM OBJECTIONS

Claims 24-46 appear to be objected to for lack of a specified function for certain means terms. The Examiner appears to allege that Claim 24 lacks a specified function with respect to the term "port means". Claims 24-42 and 46 are amended herein. Reconsideration and withdrawal of these objections are requested.

REJECTION UNDER 35 U.S.C. § 101

Claims 66-84 stand rejected under 35 U.S.C. § 101 because the claimed subject matter is nonstatutory functional descriptive material. This rejection is respectfully traversed.

Claims 66-84 are amended herein, as suggested by the Examiner. Reconsideration and withdrawal of this rejection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claims 1-84 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

With respect to Claim 1, the Examiner alleges that there is not adequate support in the specification for the claimed first and second limitations directed to a controller that sends to a CPU interface a request and that sends to the CPU interface the request. The Examiner alleges that Claim 1 recites two sending

operations and that performance of both operations is not supported in the specification. The Examiner alleges that the specification supports performing the first operation or the second operation, not performing the first operation and the second operation. Applicants disagree.

The Applicants submit that a single sending operation is claimed, not two. Note that the second sending limitation recites "send, to the CPU interface, the request", not "send, to the CPU interface, a request" or "send, to the CPU interface, another request". Thus, the second limitation refers to the same sending operation.

The use of the term "and" between the two sending limitations of Claim 1 does not mean that two sending operations are performed at the same time or that the claimed request is sent twice. The term "and" is used to state that the controller sends the request when either one of two conditions arises. Replacing the term "and" with "or" would broaden the scope of Claim 1 to a controller that sends a request when one of the two conditions exists, but not necessarily when the other one of the conditions exist.

Applicants further submit that the limitations of Claim 1 are supported in the specification of the application. In FIG. 2 and corresponding paragraphs [0018]-[0022], the application discloses the first limitation of a controller that sends a

request to approve an association between a network port and a source media access control (MAC) address of a packet. The request is sent when no request to approve the association between the network port and the source MAC address has been sent to a CPU interface. This is provided by steps 204 and 212 of FIG. 2.

The application also discloses the second limitation of sending the request when an approval for an association between the source MAC address and a different network port has been received from the CPU interface. This is provided by steps 204, 216 and 212 of FIG. 2. Thus, a controller that performs both operations is disclosed.

Thus, the specification does support the limitations of Claim 1 as drafted. Claims 24, 47, and 66 are supported for similar reasons. Claims 2-23, 48-65 and 67-84 ultimately depend from Claims 1, 24, 47 and 66 and are supported for similar reasons.

Claims 1-84 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. This rejection is respectfully traversed.

With respect to Claim 1, the Examiner alleges that the recitation of two sending limitations is vague and indefinite because the controller as described in the specification sends only one request per received packet, not two requests. As stated above, Claim 1 does not recite the sending of two requests. Claim 1 recites the sending of one request when one of two conditions exists.

Thus, Claim 1 is not indefinite. Claims 24, 47, and 66 are not indefinite for at least similar reasons. Claims 2-23, 48-65 and 67-84 ultimately depend from Claims 1, 24, 47 and 66 and are not indefinite for at least similar reasons.

Claims 1, 24, 47 and 66 stand rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps. The Examiner alleges that steps 204, 206 and 210-218 of FIG. 2 are essential. Applicants disagree.

Applicants note that the limitations of Claim 1 are directed to steps 204, 212, 216 and 218 of FIG. 2. Steps 206, 210 and 214 of FIG. 2 are the steps not recited in Claim 1. Thus, steps 206, 210 and 214 appear to be the only steps at issue.

Nevertheless, nowhere in the application have Applicants stated that any of steps 204, 206 and/or 210-218 are essential. A claim "which fails to interrelate essential elements of the invention as defined by applicant(s) in the specification may be

rejected under 35 U.S.C. 112, second paragraph" (see *MPEP* § 2172.01). Applicants respectfully submit that the specification does not state that any of steps 204, 206 and 210-218 are "necessary to practice the invention". In paragraph [0018], Applicants state that the method of FIG. 2 is a "preferred" embodiment, not that the method of FIG. 2 is the only method and/or that the steps of the method must be performed.

Therefore, Claim 1 is allowable for at least the above reasons. Claims 24, 47, and 66 are allowable for at least similar reasons. Claims 2-23, 48-65 and 67-84 ultimately depend from Claims 1, 24, 47 and 66 and are allowable for at least similar reasons.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly addressed. For all of the reasons set forth above, Applicants submit that the application is in condition for allowance. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. By addressing particular positions taken by the Examiner in the above remarks, Applicants do not acquiesce to other positions that have not been explicitly addressed. In addition, Applicants' arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

If the Examiner believes that personal communication will allow any outstanding issues to be resolved, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 24, 2009

By: 

Michael D. Higgins
Reg. No. 34,754

Jeffrey J. Chapp
Reg. No. 50,579

HARNESSE, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MDH/JJC/pa